

UNCLASSIFIED

K87

ACTION SCT-00

RELEASED IN PART

INFO LOG-00 MFA-00 NP-00 AID-00 A-00 CCO-00 B1, 1.4(B), 1.4(D)
 CIAE-00 COME-00 CTME-00 INL-00 DOEE-00 DOTE-00 PERC-00
 SRPP-00 DS-00 EAP-00 EB-00 OIGO-00 FAAE-00 FBIE-00
 VC-00 TEDE-00 INR-00 INSE-00 L-00 CAC-00 VCE-00
 M-00 AC-00 NRCE-00 NSAE-00 OCS-01 OMB-01 DHS-00
 OPIC-01 PA-00 TFBI-00 PM-00 PRS-00 ACE-00 P-00
 IRM-00 SSO-00 SS-00 TRSE-00 USIE-00 USSS-00 ASDS-00
 PMB-00 DSCC-00 PRM-00 DRL-00 G-00 NFAT-00 SAS-00
 SWCI-00 /003W

-----9C3175 031107Z /38

O 031044Z SEP 03

FM AMEMBASSY JAKARTA

TO SECSTATE WASHDC IMMEDIATE 9025

INFO ASEAN COLLECTIVE PRIORITY

AMEMBASSY CANBERRA PRIORITY

AMEMBASSY WELLINGTON PRIORITY

NSC WASHDC PRIORITY

SECDEF WASHDC PRIORITY

USCINCPAC HONOLULU HI PRIORITY

C O N F I D E N T I A L JAKARTA 010023

STATE FOR S/CT AND EAP/IET

NSC FOR BROOKS

E.O. 12958: DECL: 09/03/2013

TAGS: PTER, PGOV, KJUS, KISL, ASEC, ID

SUBJECT: BA'ASYIR CONVICTED IN PART; [REDACTED]

[REDACTED] PROSECUTORS TO APPEAL

B1

REF: A. ROSENSTOCK-EAP/IET EMAIL 9/2/03

B. JAKARTA 9824 AND PREVIOUS

1. (U) Classified by Political Officer Matthew Rosenstock for reasons 1.5 (b) and (d).

2. (C) Summary: The trial of Jemaah Islamiyah (JI) emir Abu Bakar Ba'asyir concluded September 2, with a Central Jakarta Court finding him guilty of participating in treason, but not guilty of leading efforts to overthrow the government. Judges also convicted the aging cleric on two of three immigration charges, and sentenced him to four years imprisonment, less time served. The panel of judges stated that prosecutors presented sufficient proof that Jemaah Islamiyah (JI) does exist, but they believed the evidence showed that Ba'asyir was a member of JI, not its leader as prosecutors charged. Ba'asyir's Muslim Defense Team

UNITED STATES DEPARTMENT OF STATE

REVIEW AUTHORITY: SHARON E AHMAD

CLASSIFICATION: CONFIDENTIAL REASON: 1.4(B), 1.4(D)

DECLASSIFY AFTER: 3 SEP 2023

DATE/CASE ID: 13 MAY 2009 200706444

UNCLASSIFIED

UNCLASSIFIED

immediately announced it would appeal the court's decision.

B1

Meanwhile, Ba'asyir will remain in prison pending the outcome of his appeal. We have expressed our extreme disappointment to officials in the Attorney General's Office (AGO), who intend to file their appeal later this week. End Summary.

Judges: JI Exists, Ba'asyir Involved, But Not Emir

3. (SBU) A Central Jakarta Court announced its verdict in the trial of JI emir Abu Bakar Ba'asyir September 2. During the 7-hour session, judges read a 222-page decision, reviewing the testimony given by witnesses and discussing the legal reasoning for their decision in the case. Ba'asyir was charged with two counts of treason. On the first count, leading and planning treason, the court found him not guilty. On the second count, participating in treason, he was found guilty. Justifying the acquittal on the first count of treason, judges said that insufficient legal evidence had been presented to prove Ba'asyir was the leader of JI, citing the testimony of Singapore JI detainee Faiz bin Abu Bakar Bafana as the sole evidence supporting this claim. All other testimony fingering Ba'asyir as the head of JI was mere hearsay, as it was based on second or third-hand information.

However, judges said that sufficient evidence was presented to prove that JI existed, that its goal was to overthrow the GOI, and that Ba'asyir was a member of the organization. Judges were also convinced that Ba'asyir was aware of and agreed with the Christmas Eve church bombings in 2000 and the foreign military training provided to JI operatives in the Southern Philippines and elsewhere.

Guilty on Two of Three Immigration Charges

4. (SBU) Prosecutors charged Ba'asyir with three specific immigration violations. Judges found that prosecutors had not proved the first charge, that Ba'asyir was no longer an Indonesian citizen, having lost his citizenship during his prolonged stay in Malaysia from 1985 to 1998. Judges found him guilty of the charge of falsifying documents and of the charge of exiting and entering Indonesia illegally.

UNCLASSIFIED

UNCLASSIFIED

Sentenced to Four Years, Less Time Served

5. (SBU) Judges sentenced Ba'asyir to four years, less time served. Police arrested Ba'asyir in October 2002, shortly after the Bali attacks, so he faces a prison sentence of approximately 3 years and 45 days. In determining Ba'asyir's sentence, judges considered mitigating and compounding factors. The only compounding factor was that he had previously been convicted of a crime (subversion during the Suharto era), while mitigating factors included his age, poor health, and that he was polite and cooperative throughout the trial. A grinning Ba'asyir spoke at the end of the session, telling judges he rejected the court's decision and would appeal. He also spoke to his followers, telling them to remain orderly and to "beware of American provocateurs."

Hundreds of Ba'asyir Supporters Vocal but Peaceful

6. (SBU) Between 500 and 800 of Ba'asyir's supporters attended the session, with approximately 200 permitted into the courtroom and the remainder waiting outside. Security was tight, with more than 500 police both inside and outside of the courtroom handling crowd control, and keeping Ba'asyir supporters from forcing their way into the courtroom. One Ba'asyir supporter told a journalist, "I came here to support Ba'asyir and to demand that he be freed because this trial was forced on us by the enemy of God, the terrorist government of the United States." Before the session began, Ba'asyir called on his followers to maintain decorum in the courtroom and to avoid "anarchic acts", but said that shouting "Allahu Akhbar" would be acceptable. He also pleaded with police to allow all of his followers inside, insisting they would not instigate violence, which he claimed would only occur if "American provocateurs" caused it. Some pushing and shoving occurred during the trial, but despite fiery rhetoric and angry signs blasting the GOI and the USG, protesters remained relatively peaceful, with no significant scuffles reported.

Prosecutors Shocked; Plan Appeal

B1

UNCLASSIFIED

UNCLASSIFIED

B1

UNCLASSIFIED

UNCLASSIFIED

B1

Public Reaction

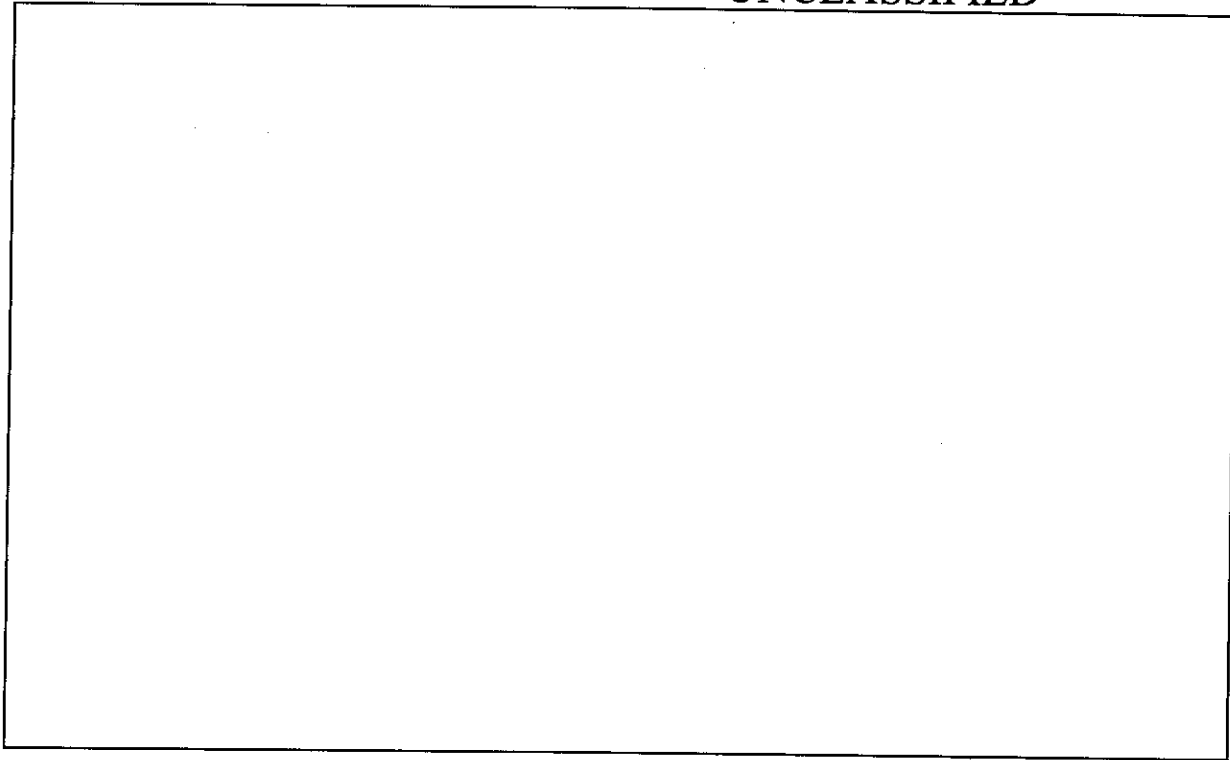
10. (SBU) Public reaction to the trial's outcome is not yet clear. Some observers tell us the court's decision will undermine public acceptance of the existence of JI, despite the judges' recognition of the group's existence, and its goal of overthrowing the government of Indonesia. Press coverage has ranged from balanced accounts of the court's decision, to sensationalist headlines proclaiming the court's decision was "forced in order to avoid embarrassing the national government in the eyes of foreign nations." Some observers have said the decision was unpopular all around, as a'asyir's supporters were disappointed that he was convicted and sentenced to jail time, while Western observers were unhappy with his acquittal for the first count of treason and the relatively light sentence he received.

B1

UNCLASSIFIED

UNCLASSIFIED

B1



Boyce

NNNN

UNCLASSIFIED